



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 7288-00
7 December 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CAPT [REDACTED] USMC, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Subject's ltr dtd 21 Oct 00 w/attachments
(2) HQMC MMOA-4 memo dtd 6 Nov 00
(3) HQMC MMPR memo dtd 15 Nov 00
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of captain he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 2000 Captain Selection Board, vice the FY 2001 Captain Selection Board.

2. The Board, consisting of Messrs. McCulloch, Pfeiffer, and Zs Salman, reviewed Petitioner's allegations of error and injustice on 30 November 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner had a prior case (1317-00) before this Board. A copy of his decisional document is found at Tab A to enclosure (1). After he had failed before the FY 2000 Captain Selection Board, but before the FY 2001 promotion board convened, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) directed that a fitness report be removed from his record. He was selected above zone by the FY 2001 promotion board. After he had been selected for promotion, his previous failure of selection was stricken by this Board. He was promoted to captain with a date of rank and effective date of 1 August 2000.

c. In correspondence attached as enclosure (2), the HQMC Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. In correspondence attached as enclosure (3), the HQMC Promotion Branch (MMPR) has advised that had Petitioner been selected by the FY 2000 Captain Selection Board, he would have received a date of rank and effective date of 1 July 2000.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:


a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of captain as 1 July 2000, vice 1 August 2000; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.


4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

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5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


For W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1600
MMOA-4
6 Nov 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR CAPTAIN [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Captain [REDACTED] 50 47 8201/3002
USMC of 2 Nov 00

1. Recommend approval of Captain [REDACTED] request for backdating his Date of Rank (DOR). This recommendation gives Captain [REDACTED] the benefit of the doubt.
2. Per the reference, we reviewed Captain [REDACTED] record and petition. He failed selection on the FY00 USMC Captain Selection Board. Subsequently, he successfully petitioned the Performance Evaluation Review Board (PERB) for removal of the Transfer fitness report of 980801 to 981112 and was selected for promotion. Captain [REDACTED] requests backdating his DOR.
3. In our opinion, removal of the contested fitness report enhanced the competitiveness of the record. While we recognize the record retains other jeopardy, we believe Captain [REDACTED] should be afforded the benefit of the doubt and have his DOR backdated.
4. Point of Contact is [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]
Lieutenant Colonel, U.S. Marine Corps
Officer Counseling and
Evaluation Section
Officer Assignment Branch
Personnel Management Division



7285-00

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400/6
MMPR
15 Nov 00

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Subj: ADVISORY OPINION FOR BCNR APPLICATION ICO CAPTAIN
[REDACTED]

Ref: (a) MMPR ltr dtd 13 Nov 00

1. In continuation to the opinion provided in the reference,
the following is submitted.

2. If [REDACTED] request is approved, his date of rank
and new lineal number will be as follows:

1 July 2000, 07552500.

3. Point of contact is [REDACTED]
[REDACTED]
[REDACTED]

By [signature] direction